

UNITED STATES DISTRICT COURT

FILED
 DEC 14 2012
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY [Signature] DEPUTY CLERK

for the
District of Texas

United States of America
v.

See Attachment

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Case No. P. 12-MJ-1043 (1-6)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 12-13-2012 in the county of Presidio in the Western District of Texas, the defendant violated Title 21, 18 U. S. C. § 841(a)(1), 952, 960 and 2, an offense described as follows:

and others aiding and abetting, possession with intent to distribute and importation of 346.15 pounds (157.34 kilograms) approximate gross weight of marijuana a Schedule I substance

This criminal complaint is based on these facts:

See Attachment

**FILING OF COMPLAINT
APPROVED BY
U.S. ATTORNEY**

Continued on the attached sheet.

Complainant's signature

Sgt. Sean Roach, Task Force Officer

Printed name and title

Judge's signature

B. Dwight Goains, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 12-14-2012

City and state: Alpine, Texas

ATTACHMENT

United States Of America

V.

ESTRADA-Cortes, Nicolas 04-01-1963

RIVERA, Crescencio 04-19-1969

QUINTEROS-Nunez, Javier 08-06-1979

RASCON-Ortega, Santiago 04-24-1967

BARNICA-Avila, Jose 07-08-1990

HERNANDEZ-Meraz, Ramon

FACTS:

On December 13, 2012, USBP Agents were conducting line watch duties South of Marfa, Texas. At approximately 1:30 am, USBP Agent Ryan Drake observed six subjects walking northbound between U.S. Highway 67 and FM 2810 approximately 3 miles south of Marfa. A short time later, agents lost the visual they had of the six subjects, after the group crossed over the hill. Supervisory Border Patrol Agent Gabriel Vega located the six subjects just off of the fence line on U.S. Highway 67. SBPA Vega advised other Border Patrol Agents in the area of the location of the subjects.

Upon making contact the USBP Agents advised the subjects in the group that they were Border Patrol and asked the members of the group their citizenship. All members of the group admitted to being in the country illegally. A USBP K-9 Bono performed a free air sniff of the immediate area where the six subjects were located. K9 Bono alerted to the presence of narcotics in the six backpacks that were in the immediate possession of the six subjects. The six subjects that were apprehended were identified as Crescencio RIVERA, Javier QUINETROS-Nunez, Nicholas ESTRADA-Cortes, Santiago RASCON-Ortega, Ramon HERNANDEZ and Jose BARNICA-Avila. All subjects and backpacks were transported to the Marfa Border Patrol Station for processing.

DEA HIDTA Multi-Agency Task Force Officers Sgt. Sean Roach and Alexander Medina were notified to assist with the investigation.

Sgt. Roach and TFO Medina read ESTRADA -Cortes his Miranda rights at which time ESTRADA-Cortes agreed to answer some of the question we had to ask without a lawyer present. ESTRADA-Cortes stated that he was aware of the marijuana and that he was to be paid \$ 3,500. ESTRADA-Cortes stated that he was the guide of the group. ESTRADA-Cortes stated that he did not want to get any of his friends in trouble. Sgt. Sean Roach asked ESTRADA-Cortes why he was the guide and he stated it was because he knew the area from when he had come into the United States looking for work. ESTRADA-Cortes admitted to having and using the phone to contact the number that was arranging to drop off food and pick up the marijuana. ESTRADA-Cortes stated that the other five guys in the group were going to be paid between \$1,500 and \$2,000. The interview was terminated at this time.

Sgt. Roach and USBP Intel Agent Sam Acosta read Crescencio RIVERA and Jose BARNICA-Avila their Miranda rights at which time both subjects invoked their rights and did not wish to answer any questions without a lawyer present.

Sgt. Roach and USBP Intel Agent Sam Acosta read Javier QUINTEROS-Nunez, Santiago RASCON-Ortega and Ramon HERNANDEZ their Miranda Rights. All three subjects agreed to waive their rights and answer questions without a lawyer present. All three subjects admitted that they were aware of the marijuana. All three subjects stated that their original plan was to just cross into the United States as an

illegal alien. All three subjects stated that when they were getting ready to cross the river they were contacted by unknown individuals that stated that the only way to cross the river was to carry the drugs or to pay. All three subjects stated that they did not have any money to pay so they agreed to carry the drugs. All three subjects stated they were never threatened. All three subjects stated that their payment for carrying the marijuana was the trip into the United States. The three subjects stated that if they were to go back to Mexico they would be paid \$2,000.

The marijuana had a total weight of 346.15 pounds. All subjects were transported to the Brewster County Jail without incident.



December 14, 2012

Sean Roach
Task Force Officer
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,



B. Dwight Goains
United States Magistrate Judge